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April 10, 2007

### **BY E-FILE**

The Honorable Joseph J. Farnan Jr.  
United States District Court  
844 North King Street  
Lock Box 27  
Wilmington, DE 19801

Re: Butz v. Lawns Unlimited, Ltd. et al., C.A. No. 05-495

Dear Judge Farnan:

I write Your Honor on behalf of Defendants Lawns Unlimited and Edward Fleming to request the Court to issue an order referring the above-referenced matter to Mediation. Prior to my involvement in this case in November 2006, the parties had engaged in limited discovery though the Complaint had been filed in July 2005. It appears from the docket, however, that the case was not referred to Mediation.

This case, in which Plaintiff Renee M. Butz is acting as a party *pro se*, is especially appropriate for Mediation. Defendants' Motion for Judgment on the Pleadings (D.I. 44) has been fully briefed and would likely provide Judge Thyng with adequate factual and legal background. Further, it is Defendants' position that the potential damages available to Plaintiff total less than \$5,000. Due to these factors, Defendants believe that Mediation would be an extremely useful tool in resolving the matter without incurring additional costs for both parties.

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Defendants, while being cognizant of the limits of Judge Thyng's availability, request the Court to refer the case to Mediation, thereby enabling the parties to further explore the option. As always, counsel is available at the Court's convenience to provide any clarification or additional information that Your Honor may require.

Respectfully Submitted,

/s/ Margaret M. DiBianca  
Margaret M. DiBianca

MMD:y

cc: Renee M. Butz (via U.S. Mail, First Class and Certified Return Receipt)

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, hereby certify that on April 10, 2007, I electronically filed a true and correct copy of ***Defendants' Letter to the Court Requesting Referral to Mediation*** with the Clerk of the Court using CM/ECF. I further certify that on April 10, 2007, I caused to be deposited a true and correct copy of the foregoing ***Defendants' Letter to the Court Requesting Referral to Mediation*** in the U.S. Mail and Certified U.S. Mail/Return Receipt Requested to the following non-registered participant:

Renee M. Butz, Pro Se  
58 Hickory Drive  
North East, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

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